

TITLE 7

AGRICULTURE AND ANIMALS

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Part V. Advertising, Marketing and Processing

Chapter 5. Market Commission—Meat Grading and Certification

§501. Establishment of Official State Grades for Meat and Meat Products

- A. Standards established in *Official United States Standards for Grades of Carcass Beef*, U.S. Department of Agriculture, Food Safety and Quality Service (CFR, Title 7, Chapter XXVIII, Pt. 2853, Sec. 2853.102-2853.107) shall apply to all Louisiana grades of beef.
- B. Standards established in *Official United States Standards for Grades of Carcass Pork*, USDA, FSQS (CFR, Title 7, Chapter XXVIII, Pt. 2853, Sec. 2853.132-2853.137) shall apply to all Louisiana grades of pork.
- C. Standards established in *Official United States Standards for Grades of Lamb, Yearling Mutton, and Mutton Carcasses*, USDA, FSQS (CFR, Title 7, Chapter XXVIII, Pt. 2853, Sec. 2853.122-2853.127) shall apply to all Louisiana grades of mutton and lamb.
- D. Standards established in *Official United States Standards for Grades of Veal and Calf Carcasses*, USDA, Agricultural Marketing Service (CFR, Title 7, Chapter I, Pt. 53, Sec. 53.107-53.111) shall apply to all Louisiana grades of veal and calf.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405 and R.S. 3:410.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Market Commission, LR 7:261 (May 1981).

§503. Certification of Meat and Meat Products

- A. The examination, acceptance and certification of meat, prepared meat, meat food products, and edible meat by-products shall be in accordance with U.S. Department of Agriculture Meat Grading Requirements.
- B. Packaging, packing, closure, sealing, and marking requirements for Louisiana grades of meat and meat products shall be the same as those established in *General Requirements for Institutional Meat Purchase Specifications*, U.S. Department of Agriculture, Consumer and Marketing Service, Livestock Division.
- C. All meats, prepared meats, meat food products and edible meat by-products must originate from animals which were slaughtered or from product items which were manufactured or processed in establishments regularly operated under the supervision of the USDA, Meat and Poultry Inspection Program, or the Louisiana Department of Agriculture Meat and Poultry Inspection Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Market Commission, LR 7:261 (May 1981).

§505. Certification of State Grades of Specific Meats and Meat Products

- A. All beef products shall be certified in accordance with the standards established in *Institutional Meat Purchase Specifications for Fresh Beef*, U.S. Department of Agriculture, Agricultural Marketing Service, Livestock Division.
- B. All lamb and mutton products shall be certified in accordance with the standards established in *Institutional Meat Purchase Specifications for Fresh Lamb and Mutton*, USDA, AMS, Livestock Division.
- C. All veal and calf products shall be certified in accordance with the standards established in *Institutional Meat Purchase Specifications for Fresh Veal and Calf*, USDA, AMS, Livestock Division.
- D. All fresh pork products shall be certified in accordance with the standards established in *Institutional Meat Purchase Specifications for Fresh Pork*, USDA, AMS, Livestock Division.
- E. All cured, cured and smoked, and fully-cooked pork products shall be certified in accordance with the standards established in *Institutional Meat Purchase Specifications for Cured, Cured and Smoked, and Full-Cooked Pork Products*, USDA, Food Safety and Quality Service, Meat Quality Division.
- F. All cured, dried, and smoked beef products shall be certified in accordance with the standards established in *Institutional Meat Purchase Specifications for Cured, Dried, and Smoked Beef Products*, USDA, AMS, Livestock Division.
- G. All edible meat by-products shall be certified in accordance with the standards established in *Institutional Meat Purchase Specifications for Edible By-Products, Series 700*, USDA, Consumer and Marketing Service, Livestock Division.
- H. All sausage products shall be certified in accordance with the standards established in *Institutional Meat Purchase Specifications for Sausage Products*, USDA, Agricultural and Marketing Service, Livestock Division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Market Commission, LR 7:261 (May 1981).

§507. Time Limitation for Issuance of Certificate

A. Products prepared for delivery under a purchase order shall not be offered to the Department of Agriculture and Forestry, Meat Grading and Certification Program, for examination, acceptance and certification more than 72 hours before shipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Market Commission, LR 7:262 (May 1981).

§509. Waiver of Specification Requirements

A. Waivers and amendments to specification requirements may be made only with concurrence of purchaser and contractor.

B. A written statement of the precise nature of the changes in the specifications must be provided to the Louisiana Department of Agriculture meat grader prior to grading, examination, acceptance and certification of the product.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Market Commission, LR 7:262 (May 1981).

§511. Final Delivery of Product

A. Final acceptance of the product will be the responsibility of the purchaser (consignee).

B. Products may be rejected for the following reasons:

1. no certification affixed;
2. obvious deviations from specification requirements, without appropriate written notice of changes in specification requirements.

C. Purchaser (consignee) may accept product with minor deviations from specification requirements without written statement of agreed upon changes, but shall do so at purchaser's risk.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Market Commission, LR 7:262 (May 1981).

§513. Contractor's Obligation

A. Contractors furnishing products under these regulations must furnish such assistance as may be necessary to expedite the grading, examination, and acceptance of products.

B. Contractors desiring grading/certification services must notify the Department of Agriculture and Forestry at least 24 hours in advance of need. Contractors who fail to give at least 24 hours notice in advance of need will be subject to a penalty of \$50, regardless of the time required for the service or the fee assessed on a poundage basis.

C. The costs of all grading, examination, acceptance, and certification of meat and meat products, poultry and poultry products, and seafood shall be paid by the contractor at the rate of \$0.04 per pound of meat or meat products, poultry and poultry products and seafood graded, examined, or certified, which amount shall be due and payable to the Department of Agriculture and Forestry upon presentation of statement(s) for services rendered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405 and R.S. 3:412.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Market Commission, LR 7:262 (May 1981), amended by the Department of Agriculture and Forestry, State Market Commission, LR 31:1227 (June 2005).

Part V. Advertising, Marketing and Processing

Chapter 16. Meat, Poultry and Seafood Grading and Certification Program

§1601. Authority

A. The market commission adopts the following regulations under the authority of R.S. 3:405 and R.S. 3:410 for the purpose of implementing the provisions of R.S. 39:2101 enacted by Act 749 of the Louisiana Legislature, 1997 Regular Session.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405, R.S. 3:410 and R.S. 39:2101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Marketing, Market Commission, LR 24:627 (April 1998).

§1603. Definitions

A. The terms defined in §1603 have the meaning given to them herein, for purposes of these regulations, except where the context expressly indicates otherwise.

Certification—a document or a stamp applied to any package containing any meat, poultry or seafood food product, which verifies that the food product meets the specification requirements established by the department.

Commission—the State Market Commission.

Commissioner—Commissioner of the Department of Agriculture and Forestry.

Department—the Department of Agriculture and Forestry.

Food Product—any edible item which includes,

3 percent or more by weight, meat, poultry or seafood, and, regardless of whether it is raw, precooked or fully cooked, is capable of use as human food.

Food Service Facility—any place where a food product is prepared, packaged or served in portions designed for individual consumption by people. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food.

Grade—the combined group of standards that a food product must meet to be in accordance with the appropriate certification requirements.

Local School District—any elementary or secondary school system operated by any parish, city or other public school board and any public charter school or any other independent public school authorized by the Louisiana Department of Education.

Meat—any part of any cattle or other bovine, swine, sheep, or goat capable of use as human food.

Person—any individual, corporation, partnership, association, or any other legal entity, whether for profit or nonprofit, who, through contract with the state of Louisiana, any state agency, any state institution or local school district operates a food service facility that supplies, provides or serves food products available for consumption by any student, resident, patient or inmate of any state agency, state institution or local school district.

Poultry—any part of any chicken, turkey, duck, goose or other domesticated fowl, quail, pheasant, ostrich, emu, or other ratites, or any other type of bird, eggs and domesticated rabbits capable of use as human food.

Public Entity—any state agency, state institution, local school district or person operating one or more food service facility that supplies, provides or serves food products available for consumption by any student, resident, patient or inmate of any state agency, state institution or local school district.

Seafood—any fresh or salt water finfish, farm-raised catfish, shrimp, crawfish, lobsters, oysters and all other edible shellfish, crustaceans, and mollusks, alligators, frogs, turtles and any other form of edible aquatic animal life regardless of whether farm raised or caught in privately owned waters or public waters including the sea, streams and lakes.

State Agency—any board, commission, department, agency, special district, authority or other entity performing a state function.

State Institution—any university, college or center of higher learning, hospital, clinic, veterans or geriatric home, mental institution, juvenile facility, prison or any other facility operated by a state agency, or through a contract with the state of Louisiana or any state agency, by any private, whether for profit or nonprofit, individual, corporation, association or other legal entity for the purpose of teaching, treating, incarcerating, maintaining or housing students, residents, patients or inmates.

Vendor—any individual, corporation, partnership, association or other legal entity that sells any type of food product to any state agency, state institution, local school district or person operating a food service facility, as defined herein, that supplies, provides or serves food products available for consumption by any student, resident, patient or inmate of any state agency, state institution or local school district.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405, R.S. 3:410 and R.S. 39:2101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Marketing, Market Commission, LR 24:627 (April 1998).

§1605. Use of Certified Food Products; Issuance of Certification; Exemptions

A. All public entities shall utilize only the following food products:

1. meat and meat products governed by the grading and certification requirements set out in Chapter 5 of this Part;
2. poultry and eggs governed by the grading and certification requirements set out in Chapter 9 of this Part;
3. all other food products that meet the certification standards set out in these regulations.

B. Any public entity may request from the department the authority to conduct the inspection and certification (self-certification) required by these regulations of food products received by that public entity.

C. The department shall inspect and certify food products subject to these regulations purchased or received by a public entity unless that public entity has authorization from the department to conduct self-certification.

D. Neither the department nor any public entity shall certify any food product unless and until the food product meets all the requirements for certification under these regulations.

E. Meat and meat products governed by the grading and certification requirements set out in Chapter 5 of this Part and poultry and eggs governed by the grading and certification requirements set out in Chapter 9 of this Part are exempt from the provisions of these regulations.

F. These regulations shall not affect or change any other grading or certification program operated by the department under any other provision of law or any other regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405, R.S. 3:410 and R.S. 39:2101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Marketing, Market Commission, LR 24:628 (April 1998).

§1607. Grading and Certification Standards and Specifications

A. Meat and meat food products, other than those governed by the grading and certification requirements set out in Chapter 5 of this Part shall meet the following grading and certification standards and specifications:

1. fresh meat should not have any offensive odor or be slick to the touch;
2. frozen meat should be hard frozen at the time of delivery; and
3. the bid specifications or purchase order issued by the public entity.

B. Eggs shall meet the following grading and certification standards and specifications.

1. The following information must be on all egg cases if eggs are packed loose and on all cartons when eggs are packed in cartons:

- a. name of producer or packer;
- b. grade and size;
- c. date of pack;
- e. Louisiana license number [La001];
- f. keep refrigerated 45° F or below.

2. Eggs cannot be used if more than 30 days of age from pack date. Pack date can be either Julian or calendar date.

3. Eggs must be delivered in refrigerated trucks capable of maintaining an ambient temperature of 45° F stored in coolers that maintain an ambient temperature of 45° F.

4. If eggs are not USDA or state graded, or if more than 10 days have elapsed between the time of inspection and delivery, the public entity must ascertain that the eggs meet all requirements set forth Chapter 9 of this Part.

C. Poultry and poultry food products, other than those governed by the grading and certification requirements set in Chapter 9 of this Part shall meet following grading and certification standards and specifications:

1. frozen poultry must be hard frozen at time of delivery;
2. fresh poultry should not have any offensive odors and should not be slick to the touch;
3. if grade is implied or stated, the USDA shield must be used; and
4. the bid specifications or purchase order issued by the public entity.

D. Seafood food products shall meet one or more of the following grading and certification standards and specifications:

1. United States Department of Commerce standards for any type of aquatic animal life defined as seafood in these regulations;
2. State of Louisiana, Division of Administration, State Purchasing general requirements for fish and fishery product;
3. standards and specifications set by the appropriate division of the department's grading and certification service for the particular seafood product;
4. the bid specifications or purchase order issued by the public entity;
5. fresh seafood shall not have any offensive odors or be slick to the touch.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405, R.S. 3:410 and R.S. 39:2101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Marketing, Market Commission, LR 24:628 (April 1998).

§1609. Procurement of Food Products

A. No public entity shall procure any food products unless and until it has fully complied with the provisions of R.S. 38:2184 and R.S. 38:2251-2261.

B. Neither the department nor any public entity shall issue a certification for any food product purchased by such public entity unless and until the public entity provides proof of full compliance with the provisions of R.S. 38:2184 and R.S. 38:2251-2261.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405, R.S. 3:410 and R.S. 39:2101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Marketing, Market Commission, LR 24:629 (April 1998).

§1611. Inspection and Certification by a Public Entity; Procedures

A. Any public entity that has authorization from the department to conduct self-certifications under these regulations shall do so in the following manner.

1. All food products shall be inspected and certified by the public entity at the time of delivery.
2. The public entity shall provide sufficient trained or experienced personnel to ensure that all products are inspected and certified in accordance with these regulations.
3. The public entity shall maintain certification logs, in a form acceptable to the department, showing the self-certification of all food products received by the public entity. Each delivery of a food product shall be logged at the time of self-certification. Each log book shall be made available for inspection when requested by authorized representatives of the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405, R.S. 3:410 and R.S. 39:2101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Marketing, Market Commission, LR 24:629 (April 1998).

§1613. Inspection and Certification by the Department; Procedures

A. Inspections and certifications performed by the department under these regulations shall proceed in the following manner.

1. Vendors, both in state and out of state, shall make all food products available to the department's grading and certification service in an approved facility for certification prior to shipment to the place of final destination, except for out-of-state shipments made directly to a storage facility owned and operated by a public entity. Such direct out-of-state shipments shall be inspected at the receiving storage facility before distribution to any food service facility.
2. Any vendor, public entity needing certification services shall notify the department at least 24 hours in advance of need and shall provide such services as necessary to expedite the examination and certification of the food product and the taping of containers, including providing the necessary tape.
3. The department shall receive a purchase order at least seven working days prior to the department's inspection for the purposes of issuing a final certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405, R.S. 3:410 and R.S. 39:2101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Marketing, Market Commission, LR 24:629 (April 1998).

§1615. Fees and Costs

A. The commission may collect fees for the inspection and certification of food products. The fees shall not exceed the actual cost necessary to provide for the proper inspection, grading, classification and certification of the food products.

B. Any vendor delivering a food product inspected and certified by the department, under these regulations, shall pay an inspection fee of \$0.025 per pound for each such meat, poultry or seafood product, or in the case of eggs, a fee of \$0.025 per dozen. All fees and costs shall be immediately due and payable to the department upon presentation to the vendor by the department of the statement for services rendered.

C. If any product received by the public entity is in noncompliance with these regulations or purchase order requirements, but is accepted by the public entity because the product is needed for immediate consumption by either students, residents, patients or inmates then the vendor delivering such products shall pay to the department an inspection fee of \$0.025 per pound for each such meat, poultry or seafood product, or in the case of eggs, a fee of \$0.025 per dozen. Any public entity accepting a product that is in noncompliance with these regulations or purchase order requirements will immediately notify the department of any such acceptance and will provide the department with all necessary information to allow the department to bill the vendor for payment under this Subsection.

D. Any vendor, state agency, state institution, local school district or person needing certification services from the department and failing to notify the department at least 24 hours in advance of need shall be subject to a penalty of \$50, regardless of the time required for the services or the fees assessed by the department.

E. Fees charged and collected by the department under any other grading or certification program operated by the department shall not be affected by these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405, R.S. 3:410 and R.S. 39:2101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Marketing, Market Commission, LR 24:629 (April 1998), amended LR 25:2160 (November 1999).

§1617. Enforcement

A. The department or its authorized representative shall have the right to enter any place where any food product is kept to inspect the food product and to inspect any records pertaining to the sale, procurement, movement, distribution, preparation or serving of any food product subject to self-certification under these regulations.

B. If the department finds that a public entity authorized to inspect and certify food products under these regulations is not inspecting and certifying each delivery of food products received by the public entity or if the department finds that the public entity has, on three or more occasions, improperly inspected or certified food products then the department may, by written order, take over inspection and certification duties from the public entity until the department determines that the public entity will properly inspect and certify food products in accordance with these regulations.

C. If a vendor is found to be out-of-compliance more than three times during a given quarter, then that vendor's products must be inspected for compliance by the Louisiana Department of Agriculture before delivery of any product. Once the vendor has proven to the satisfaction of the department that his product will be in compliance, then the vendor may deliver directly to the institution for certification by the institution.

D. The department or its authorized representative may, while enforcing the provisions of these regulations, issue and enforce a written, printed or stamped stop order to prevent the purchase, procurement, movement, distribution, preparation or serving of any food product if:

1. authorized representative of the department has been refused the right to enter the premises where the food product is kept or the right to inspect the food product or records;
2. the food product does not meet the grading and certification standards established by these regulations; or
3. the food product was procured in violation of §1609.A.

E. Upon issuance of a stop order the department may cause the food product to:

1. remain where it is located at the time the stop order is issued; or
2. be returned to the distributor or vendor of the food product.

F. The stop order may be released by the commissioner when:

1. the food product is found to meet the certification standards set out in these rules if the stop order was issued because the department had not certified the food product;
2. proof of compliance with §1609.A is furnished to the department if the stop order was issued because of noncompliance or failure to produce proof of compliance;
3. authorized representative of the department has been allowed to enter the premises where the food product is stored and inspect the food product or the records if the stop order was issued based on refusal to allow entry or inspection;
4. written proof acceptable to the department is supplied showing that the food product has been returned to the distributor or seller and that the full purchase price of the food product has been refunded to the purchaser; or
5. the department determines that circumstances warrant the release of the stop order, upon such terms and conditions that the department deems necessary or proper.

G. Nothing in these regulations shall prevent the commissioner or the department from seizing, selling or destroying the food product if the department finds that the food product violates any other state law or regulation allowing any such action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405, 410, 413 and R.S. 39:2101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Marketing, Market Commission, LR 24:630 (April 1998).

§1619. Penalty for Violations; Injunctive Relief; Costs; Notification

A. Whoever violates R.S. 39:2101 or the regulations promulgated thereunder shall be fined not less than \$25 nor more than \$500 or imprisoned for not less than 10 days nor more than six months, or both as provided by R.S. 3:419.

B. Each violation of these rules and regulations, any stop order or other orders issued by the commissioner in the enforcement of these rules and regulations and every day of a continuing violation shall be considered a separate and distinct violation chargeable under these rules and regulations.

C. The commission, through the commissioner, may apply for injunctive relief restraining violations of R.S. 39:2101 or the regulations promulgated thereunder or institute necessary actions for failure to pay accounts due the commission. The person condemned in any such proceeding shall be liable for the costs of court and for any additional costs incurred by the commission in gathering the necessary evidence, including reasonable attorney fees and expert witness fees.

D. In addition to the penalties stated in §1619.A and B the commission may withhold certification services from any vendor, or the right of a public entity to conduct self-certification based on an adjudicatory hearing held in accordance with the Administrative Procedure Act and presided over by a hearing officer appointed by the commissioner.

E. If any food product cannot be certified by the department for any reason or if certification services are withheld then notification of the noncertification or withholding of the services and the reasons therefor shall be sent by the department to all appropriate entities including, but not limited to, the affected public entity, the purchasing agent, appointing authority, Division of Administration, inspector general, legislative auditor or district attorney.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405, 410, 413 and R.S. 39:2101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Marketing, Market Commission, LR 24:630 (April 1998).

Part XXXIII. Meat and Poultry Inspections

Chapter 1. Meat and Poultry Inspection Program

§101. Applicability of Federal Laws and Regulations

A. Notwithstanding any other provision of this Chapter to the contrary no provision of any regulation in this Chapter shall exempt any person subject to the Louisiana Meat and Poultry Inspection Law, (R.S. 3:4201 et seq.), or participating in the Louisiana Cooperative Federal/State Meat and Poultry Inspections Program from any applicable federal law or regulation, including but not limited to the following:

1. the Federal Food, Drug, and Cosmetic Act, (21 U.S.C. §301 et seq.), and regulations promulgated in the Code of Federal Regulations pursuant to the Act;
2. the Federal Meat Inspection Act, (21 U. S. C. §601 et seq.), and regulations promulgated in the Code of Federal Regulations pursuant to the Act;
3. the Federal Poultry Products Inspection Act, (21 U.S.C. §451 et seq.), and regulations promulgated in the Code of Federal Regulations pursuant to the Act;
4. the Federal Humane Methods of Livestock Slaughter Act, (7 U.S.C. §1901 et seq.) and regulations promulgated in the Code of Federal Regulations pursuant to the Act.

B. In respect to intrastate operations and commerce, notwithstanding any other provision of this Chapter to the contrary, no provision of any regulation in this Chapter shall be construed or interpreted as imposing, or requiring the enforcement of, any standards that are less than those imposed and enforced under the Federal Meat Inspection Act and the Federal Poultry Products Inspections Act and regulations promulgated pursuant to those Acts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4232.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Management and Finance, LR 6:708 (December 1980), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 30:196 (February 2004), LR 32:1011 (June 2006).

§103. Definitions

A. As used in this Chapter, the words and terms defined in R.S. 3:4201 and the following words and terms shall have the meanings given to them except where the context expressly indicates otherwise.

Combination Custom Slaughterer and Processor—a person which provides both slaughter and processing services solely for the owners of animals.

Commissioner—Commissioner of Agriculture and Forestry.

Custom Processor—any person which prepares, processes, and/or transports intrastate the meat of animals slaughtered for the owners of such animals.

Custom Slaughterer—any person which offers to the public the service of slaughtering cattle, sheep, poultry, swine, goats, horses, mules or other equines for the owners thereof.

Department—the Louisiana Department of Agriculture and Forestry, Office of Animal Health Services, Division of Meat and Poultry Inspection, Grading and Certification.

Establishment—each place of business of a licensee, registrant, or a person whose business is subject to inspection.

Meat Jobber—a person engaged in the business of buying or selling carcasses, parts of carcasses, meat or meat food products of cattle, sheep, poultry, swine, goats, horses, mules or other equines at the wholesale level, but who does not subsequently change the form of the product in any manner.

Meat Processor—any person engaged in the business of buying or selling carcasses, parts of carcasses, meat or meat food products of cattle, sheep, poultry, swine, goats, horses or other equines at the wholesale level; who receives the product in tact, and who changes the form of the product before shipping out again.

Normal Retail Quantities—sales to a single customer not exceeding the amounts shown below (see also 9 CFR 303.1.d.2.ii, Federal Meat and Poultry Inspection Regulations):

- a. cattle, 300 pounds;
- b. calves, 37.5 pounds;
- c. sheep, 27.5 pounds;
- d. swine, 100 pounds;
- e. goats, 25 pounds.

Person—an individual, company, corporation limited liability company, or firm as defined in R.S. 3:4201(2) and any other legal entity or other form of organization.

Prepared—slaughtered, canned, salted, rendered, boned, cut up or otherwise manufactured or processed.

Primal Cut—the first or main cut.

Restaurant—any place of business:

- a. where products are prepared solely for sale or service, as meals or entrees, directly to individual consumers at such establishments; and
- b. where only federally or state inspected and passed products or products prepared in a retail store or outlet are used.

Retail Outlet—any place of business operated in the traditional or usual manner of operation or a retail store, with sales across-the-counter only in normal retail quantities. The term *retail outlet* applies solely to businesses with a single location.

Traditional or Usual Manner of Operation—

- a. cutting up, slicing and trimming carcasses, halves, quarters or wholesale cuts into retail cuts such as steaks, chops and roasts, and freezing such cuts;
- b. grinding and freezing products made from meat;
- c. curing, cooking, smoking, rendering or refining of livestock fat or other preparation of products, except slaughtering or retort processing of canned products;
- d. breaking bulk shipments of products;
- e. wrapping or re-wrapping of products.

USDA—the United States Department of Agriculture.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4232.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Management and Finance, LR 6:709 (December 1980), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 32:1012 (June 2006).

§105. Persons Required to Register

- A. The following persons shall register with the department prior to conducting intrastate operations and commerce:
 1. meat brokers, renderers and animal food manufacturers;
 2. wholesalers of any carcasses or parts of carcasses of any cattle, sheep, poultry, swine, goats, horses, mules or other equines, whether the product is intended for human consumption or not;
 3. public warehousemen who store carcasses or parts of carcasses of any cattle, sheep, poultry, swine, goats, horses, mules or other equines;

4. buyers, sellers, and transporters of any dead, dying, disabled or diseased animals or parts of carcasses of such animals;
5. meat brokers;
6. meat jobbers;
7. meat processors;
8. slaughters, including custom slaughters;
9. processors, including custom processors;
10. combination custom slaughterers and processors;
11. educational programs where carcasses or parts of carcasses are slaughtered, processed, or both;
12. any combination of the above.

B. All persons entering into any of the business activities listed in Subsection A shall apply for registration prior to engaging in such business. All persons shall be registered by category as shown in Subsection A above.

C. All registrants shall pay an initial registration fee of \$25 for each establishment at the time of application to cover the costs of processing of registrations and issuance of certificates of registration.

D. All persons must submit the following information in their applications for registration:

1. names and addresses of each establishment or place of business;
2. names and addresses of owner(s) and principal stockholder(s) and/ or names and addresses of members of boards of directors;
3. all trade names under which the person, firm, association, corporation or educational program conducts business.

E. All registrations must be renewed on or before April 1 of each year. The fee for renewal of registrations shall be the same as for the initial registration.

F. Each registrant shall receive a certificate of registration within 30 days after the application for registration is filed with the department if the registrant is in full compliance with applicable federal and state laws and regulations regarding slaughtering, processing, inspecting, packaging, handling, and transportation meat and poultry.

G. Penalties for failure to register or to annually renew a registration if the establishment is still in operation shall be assessed in accordance with R.S. 3:4233.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4232.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Management and Finance, LR 6:709 (December 1980), amended LR 11:247 (March 1985) amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 32:1012 (June 2006).

§107. Licenses for Establishments Coming under Inspection

A. All persons operating a slaughtering, processing, or combination slaughtering/processing establishment, or as a custom slaughterer, custom processor or a combination custom slaughterer and processor shall obtain a license from the department for each establishment prior to conducting intrastate operations or commerce.

B. All applications for licenses shall consist of a completed Form 401 submitted to the department at 5825 Florida Boulevard, Baton Rouge, LA 70806. Form AHS-09-54 is available on request from the department.

C. A license number shall be assigned to each establishment upon the department's approval of the application. The license shall be issued to the establishment within 30 days of final approval, in one of the following categories:

1. slaughter;
2. processing;
3. custom;
4. any combination of Paragraphs 1, 2 or 3 above.

D. All establishments receiving licenses shall display the license at a prominent location in the establishment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4232.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Management and Finance, LR 6:710 (December 1980), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 32:1013 (June 2006).

§109. Change of Ownership of Licensed Establishments

A. Whenever the ownership or operation of a licensed establishment changes, the new owner or operator must submit an application for a license to the department at least 30 days prior to the date the change in ownership or operation is to take place.

B. Within 30 days of change of ownership or operation, the new owner or operator shall submit to the department a certified copy of the act of sale, lease agreement or other legal document showing change of ownership or operation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4232.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Management and Finance, LR 6:710 (December 1980), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 32:1013 (June 2006).

§111. Exemption

A. No person or establishment shall be exempt, under the Louisiana Meat and Poultry Inspection Law, from the inspections of the slaughter of animals and the preparation of the carcasses, parts thereof, meat and meat food products at establishments conducting such operations except as provided in R.S. 3:4215 and 4216.

B. Establishment at which the slaughter of animals and the preparation of the carcasses, parts thereof, meat, poultry, and meat and poultry food products are exempt from inspection under R.S. 3:4215 and 4216 shall conduct slaughtering and processing operations under the same sanitary standards as are required of slaughter and processing establishments that engage in interstate operations or commerce.

C. No retail store, restaurant, or similar retail type establishment shall qualify for any exemption provided for in R.S. 3:4215 and 4216 unless the establishment otherwise qualifies as a retail store or restaurant under The Federal Meat Inspection Act and regulations promulgated pursuant to the Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4232.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Management and Finance, LR 6:710 (December 1980), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 32:1013 (June 2006).

§113. Removal of Inspection Services

A. An assigned inspector may, upon proper justification, withhold inspection services for an inspected plant for a period not to exceed six hours, but may not withhold inspection services for a period longer than six hours. If for any reason the assigned inspector leaves the plant during the period when inspection services are withheld, he shall be available to the plant within one hour of notification of correction of the situation justifying the withholding of inspection services.

B. An area supervisor may, upon proper justification, withhold inspection services for a period not to exceed a total of 12 hours from the time when inspection services were first withheld.

C. The state office of the meat and poultry inspection program may withhold inspection services for an indefinite period of time upon proper justification.

D. An informal public hearing shall be held on the next working day following the initial withholding of inspection services upon the request of the establishment.

E. Inspection services may not be permanently withdrawn by the department except following a public hearing on the matter conducted in accordance with §121 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4232.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Management and Finance, LR 6:711 (December 1980), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 32:1013 (June 2006).

§115. Inspection Brands; Hot Brands; Replacement Brands

A. The department shall furnish an appropriate number of inspection brands to the establishment upon initial approval for inspection.

B. The establishment shall furnish the required number of hot brands and the number provided shall be provided to the department.

C. The establishment shall notify the assigned inspector when replacement brands are needed, providing the following information to the assigned inspector:

1. the name and address of the brand manufacturer preferred by the establishment; and
2. the number and kind of brands needed.

D. Upon receipt of the information required in §115.C, the inspector shall immediately notify the state office, which shall place the official order with instructions for the brands to be shipped direct to the establishment.

E. Upon receipt of the replacement brands, the establishment must deliver all unserviceable brands to the assigned inspector for transmittal to the department for destruction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4232.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Management and Finance, LR 6:711 (December 1980) amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 32:1014 (June 2006).

§117. Stamping of Carcasses

- A. All beef, calf and veal carcasses must be stamped with not less than two stamps per side. At least one stamp shall be affixed, on each side, in each of the numbered portions illustrated in Figure 7 in Appendices (§137.A and §139) attached immediately following.
- B. All swine carcasses must be stamped with not less than two stamps per side. At least one stamp shall be affixed, on each side, in each of the numbered portions illustrated in Figure 8 in Appendices (§141).

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4232.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Management and Finance, LR 6:711 (December 1980), amended by the Department of Agriculture and Forestry, Office of the Certification, LR 32:1014 (June 2006).

§119. Inspection upon Movement of Meat and Meat Products

- A. All carcasses, parts of carcasses, meat and meat products brought into any slaughtering, meat canning, salting, packing, rendering or similar establishment must originate from an establishment under inspection.
- B. All carcasses, parts of carcasses, meat or meat products which are inspected and passed at any slaughtering, meat canning, salting, packing, rendering or similar establishment before movement there from, which is later returned to the same establishment, must be re-inspected upon return before further treatment or processing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4232.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Management and Finance, LR 6:711 (December 1980), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 32:1014 (June 2006).

§121. Appeals from Decisions of the Cooperative Federal/State Meat and Poultry Inspection Program

- A. Any person owning or operating an establishment that is subject to inspection or these rules and regulations may appeal any dispute of any decision made by an inspector in accordance with the procedures set forth in this rule.
- B. If the person disputes the methods used by any inspector in the program, such person shall first make his objections known to the inspector.
- C. If the person objecting and the inspector cannot resolve the dispute, the person objecting shall immediately notify the area supervisor of the dispute and the basis for the dispute.
- D. If the dispute cannot be resolved by conference with the area supervisor, the person objecting shall then notify the department's program manager of the meat and poultry inspection program within three business days after the conference. Such notification may be verbal but shall be confirmed in writing within three days after the verbal notification.
- E. If the person objecting and the program manager cannot resolve the dispute the person objecting may petition the commissioner, in writing, for a resolution of the dispute within three business days after the program manger makes his decision.
- F. The commissioner may appoint a designee who does not work in the meat and poultry inspection program meditate the dispute. If the mediation is unsuccessful or the commissioner determines that a public hearing is necessary to resolve the dispute then the commissioner may set a public hearing to resolve the dispute. Any public hearing shall be conducted in accordance with the Administrative Procedure Act.
- G. No license shall be suspended or revoked from any establishment without a full hearing on the matter in accordance with R.S. 3:4233 and the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4232.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Management and Finance, LR 6:711 (December 1980), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 32:1014 (June 2006).

§123. Taking of Blood Samples

- A. A slaughter establishment under inspection shall be responsible for the identification of animals and the maintenance of records as provided in this rule.
- B. Any cattle that are not officially backtagged upon receipt shall be identified by an official backtag, properly placed.
- C. The name and address of the consignor and the name and address of the owner of the herd of origin, if different from the consignor, shall be recorded on forms provided by the department, the original of which shall be transmitted to the department and the copy of which shall be maintained in the establishment's files.
- D. The assigned inspector shall take a blood sample from all cattle received at the establishment.

E. The assigned inspector shall be responsible for collection and identification of all blood samples, and for packaging and transmission of blood samples, corresponding backtags and forms to the diagnostic laboratory.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4232.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Management and Finance, LR 6:713 (December 1980), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 32:1015 (June 2006).

§125. Overtime and Holiday Inspection Service

A. The Department of Agriculture and Forestry shall perform inspection services for official establishments, without charge, up to a 40 hours workweek Monday through Friday.

B. The department shall charge to and be reimbursed by official establishments an hourly overtime rate per department employee providing overtime inspection services to the official establishment. The overtime periods and rate per period are as follows:

1. \$25 per hour for inspection services provided for more than 40 hours in any workweek Monday through Friday;
2. \$30 per hour for inspection services provided on a Saturday or Sunday that is not otherwise a legal holiday established by R.S. 1:55;
3. \$35 per hour for inspection services provided on days of public rest and legal holidays, other than Saturdays and Sundays, observed by the departments of the state in accordance with R.S. 1:55;
4. overtime inspection services shall be billed at a minimum of two hours at the appropriate rate. Time spent providing inspection services in excess of two hours shall be billed in increments of quarter hours, with the time being rounded up to the next quarter hour.

C. Bills are payable upon receipt and become delinquent 30 days from the date of the bill. Overtime inspections will not be performed for official establishments having a delinquent account.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4232.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:247 (March 1985), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 31:1055 (May 2005), LR 32:1015 (June 2006).

§127. Appeals from Decisions of the Cooperative Federal/State Meat and Poultry Inspection Program

A. Any person, firm, association or corporation which is subject to any of the inspection procedures and/or requirements contained in the federal meat and poultry inspection regulations, USDA Handbook 191, or these rules and regulations may appeal any decision made thereunder in accordance with the procedures set forth in this rule.

B. If the person, firm, association or corporation disagrees with the methods used by any inspector in the program, such person, firm, association or corporation shall first make his objections known to the inspector.

C. If the differences cannot be resolved by this informal method, the person, firm, association or corporation objecting shall immediately notify the area supervisor of the objections and the basis therefor.

D. If the differences cannot be resolved by conference with the area supervisor, the person, firm, association or corporation objecting shall then notify the state office of the meat and poultry inspection program. Such notification may be verbal but shall be confirmed in writing within three days after the verbal notification.

E. If the difference cannot be resolved by this method, the person, firm, association or corporation may petition the commissioner of agriculture, in writing, for a full public hearing on the matter.

F. The commissioner of agriculture shall call a public hearing on the matter within 15 days of the date of receipt of such petition, which hearing shall be conducted within 30 days of the date on which the call is issued.

G. No permit shall be permanently removed from any establishment without a full hearing on the matter. Whenever, for any reason, the commissioner of agriculture contemplates the permanent withdrawal of a permit for inspection services, he shall call a public hearing on the matter.

H. Notice shall be given to the affected person, firm, association or corporation, as required by the Administrative Procedure Act, setting forth the following:

1. a statement of the time, place and nature of the hearing;
2. a statement of the legal authority and jurisdiction under which the hearing is to be held;
3. a reference to the particular Sections of the statutes and rules involved; and
4. a short and plain statement of the matters asserted.

I. Such notice of public hearing shall be mailed by certified mail, return receipt requested, at least 15 days prior to the date on which the hearing is scheduled to be held.

- J. At any hearing called under this rule, the affected party(ies) shall have the right to counsel of his (their) own choosing and shall be afforded the opportunity:
1. to respond;
 2. to present evidence on all issues of fact involved;
 3. to present argument on all issues of law and policy involved;
 4. to conduct such cross-examination as may be required for a true and full disclosure of the facts; and
 5. to examine any evidence entered into the record.
- K. All hearings called under this rule shall be conducted by the commissioner of agriculture or his designated hearing officer.
- L. Any determination made as a result of such hearing shall be rendered in writing and shall be made available to all affected parties.
- M. Any determination made at any hearing held in accordance with this rule shall be final and shall be binding upon the party(ies) notified as provided herein, whether or not such party(ies) appear at said hearing.
- N. Whenever a settlement cannot be reached by the procedures set forth herein, the commissioner of agriculture and/or the affected party(ies) may appeal to a court of competent jurisdiction as provided by law, provided that all such matters shall be lodged in the parish in which the Department of Agriculture is domiciled.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2276 and R.S. 40:2300.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Management and Finance, LR 6:711 (December 1980).

§129. Hearings on Alleged Violations of Law and/or Regulations

- A. Whenever any establishment which is subject to the requirements of the State Meat and Poultry Inspection Act (R.S. 40:2271-R.S. 40:2299), the Federal Meat and Poultry Inspection Regulations, USDA Handbook 191 and/or these rules and regulations appear to be in violation of any provision(s) thereof, the commissioner of agriculture shall convene a public hearing on the matter, which hearing shall be conducted in accordance with §127 hereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2300.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Management and Finance, LR 6:713 (December 1980).

§131. Taking of Blood Samples

- A. The slaughter establishment under inspection shall be responsible for the identification of animals and the maintenance of records as provided in this rule.
- B. Any cattle that are not officially backtagged upon receipt shall be identified by an official backtag, properly placed.
- C. The name and address of the consignor and the name and address of the owner of the herd of origin, if different from the consignor, shall be recorded on forms provided by the Department of Agriculture, the original of which shall be transmitted to the Department of Agriculture and the copy of which shall be maintained in the establishment's files.
- D. The assigned inspector shall take a blood sample from all cattle received at the establishment.
- E. The assigned inspector shall be responsible for collection and identification of all blood samples, and for packaging and transmission of blood samples, corresponding backtags and forms to the diagnostic laboratory.
- F. Failure to comply with the provisions of this rule shall subject the slaughter establishment to prosecution under the provisions of R.S. 3:2096 and/or R.S. 40:2296.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2096, R.S. 40:2300 and R. S. 40:2296.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Management and Finance, LR 6:713 (December 1980).

§133. Overtime and Holiday Inspection Service

- A. The Department of Agriculture and Forestry shall perform inspection services for official establishments, without charge, up to a 40 hours workweek Monday through Friday.
- B. The department shall charge to and be reimbursed by official establishments an hourly overtime rate per department employee providing overtime inspection services to the official establishment. The overtime periods and rate per period are as follows:
1. \$25 per hour for inspection services provided for more than 40 hours in any workweek Monday through Friday;
 2. \$30 per hour for inspection services provided on any Saturday or Sunday that is not otherwise a legal holiday established by R.S. 1:55;

3. \$35 per hour for inspection services provided on days of public rest and legal holidays, other than Saturdays and Sundays, observed by the departments of the state in accordance with R.S. 1:55;

4. overtime inspection services shall be billed at a minimum of two hours at the appropriate rate. Time spent providing inspection services in excess of two hours shall be billed in increments of quarter hours, with the time being rounded up to the next quarter hour.

C. Bills are payable upon receipt and become delinquent 30 days from the date of the bill. Overtime inspections will not be performed for official establishments having a delinquent account.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4232.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 11:247 (March 1985), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 31:1055 (May 2005).

§135. Meat, Poultry and Seafood Fee

A. There is hereby established and henceforth there shall be a monthly fee to be paid by retailers, as defined in R.S. 47:301, for red meat, poultry and seafood. The fee shall be an amount equal to 0.87 percent of the wholesale value of all sales of red meat, poultry and seafood sold in Louisiana. The fee shall be known as the meat, poultry and seafood fee. The department may adopt and publish guidelines which facilitate calculation and collection of this fee.

B. For purposes of administration and convenience, the meat, poultry and seafood fee shall be paid by retailers at the same time and in the same manner as retail sales taxes are remitted. The meat, poultry and seafood fee shall be forwarded by the retailer to the Department of Revenue and Taxation. The meat, poultry and seafood fee shall be delinquent if not paid by the due date provided in law for the remittance of Louisiana Retail Sales Tax.

C.1. Any retailer failing to pay the meat, poultry and seafood fee established herein shall be subject to a reasonable civil fine of not more than \$50, which fine may be levied by the Department of Agriculture and Forestry upon a finding of intentional delinquency of all or a part of any fees due after the conduct of an adjudicatory hearing in accordance with the Louisiana Administrative Procedure Act. Each day of delinquency shall be considered a separate offense and violation.

2. In any such adjudicatory hearing pertaining to delinquency, the establishment by competent evidence that the respondent is a retailer of meat, poultry, or seafood products and that the fee has not been paid by the due date or that said fees received are less than the amount due based on respondent's purchases of meat, poultry or seafood, shall constitute a "prima facie" case of delinquency and burden of proof shall, thereafter, shift to the respondent.

D. Any authorized representative of the Department of Agriculture and Forestry or the Department of Revenue and Taxation shall have access to, and may enter at all reasonable hours, all places of business operated by retailers where meat, poultry or seafood are purchased, stored, processed, manufactured, or sold, or where the retailer maintains books, papers, accounts, records, or other documents related to such activities. The Department of Agriculture and Forestry may subpoena, and any authorized representative of the Departments of Agriculture and Forestry or Revenue and Taxation may inspect, copy, and/or audit any of such books, papers, records, accounts or documents, all for the purpose of determining whether the retailer is complying with the provisions of this regulation. The authority granted hereinabove shall also extend to books, papers, records, accounts, or other documents of persons doing business with retailers. Any information gained through utilization of the authority granted hereinabove in this Section shall be treated as confidential and shall be used only for the administration of this regulation; provided, that such information may be divulged by a person when called upon to testify in any adjudicatory proceeding or in any court proceeding, and provided further, that nothing contained in this regulation shall prevent the use of any information procured by the department or the commissioner in the compiling and dissemination of general statistical data, containing information procured from a number of retailers and compiled in such a manner as not to reveal individual information of any retailer.

E. This regulation shall expire 12 years from the date of adoption. The fees shall only be used to pay for all direct and indirect costs of the federal/state cooperative meat and poultry inspection program, meat, poultry and seafood grading and certification activities, animal disease prevention activities of the Livestock Sanitary Board, animal theft prevention of the Livestock Brand Commission, poultry related activities of the Poultry and Egg Division and for audit functions required by the aforementioned programs and are anticipated to generate \$6,090,000 annually in revenues. The kinds and anticipated amounts of costs, which will be offset by this fee, include, but are not limited to: Personal Services—\$3,757,266; Travel—\$69,064; Operating Expenses—\$620,122; Professional Services—\$7,590; Other Charges—\$612,665; Capital Outlays—\$20,580; Indirect Costs—\$1,017,457. The Department of Agriculture and Forestry shall suspend collections upon a finding by the Department of Agriculture and Forestry that collections will exceed the cost of the program. The commissioner of the Department of Agriculture and Forestry hereby certifies that written approval to adopt this regulation was received on July 1, 1988 from the commissioner of administration.

F. If any part of the regulation is determined to be invalid for any reason whatsoever then, in that event, the validity of the remainder of said regulation shall nevertheless not be adversely affected thereby. This rule and the repeal of the existing Emergency Rule is effective July 10, 1988.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:301.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Management and Finance, LR 15:79 (February 1989).

§137. Practical Meat Cutting and Merchandising—Volume 1

A. Beef

Location of Primal and Subprimal Beef Cuts

Primal and Subprimal Cuts	Combination Cuts
1. Round	Hindquarter: 1 + 2 + 3 + 4
2. Short hip	Sirlion round: 1 + 2
3. Short loin	Loin: 2 + 3
4. Flank	Forequarter: 5 + 6 + 7 + 8 + 9
5. Rib	Wing: 5 + 6
6. Short plate	Full plate: 6 + 7
7. Brisket	Armbone chuck: 8 + 9
8. Square cut chuck	Cross-cut chuck: 7 + 8 + 9
9. Foreshank	Triangle: 6 + 7 + 8 + 9
	Back: 5 + 8

1. Identification of Beef Cuts by Geographical Location and Trade

	New York Area	New England Area	Restaurant and Institutional Trade
Beef Round No. 1	Cross-Cut Round Beef Round Round Across Primal Round	Beef Round Primal Round	Beef Round (a) Primal Round (b) Primal Round with rump on or off, shank on or off, bone-in or boneless (c) Round, three-way boneless
Knuckle No. 1 (Taken from beef round)	Knuckle Face Top Sirloin	Sirloin Tip	Knuckle (a) Knuckle Steaks

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2300.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 6:708 (December 1980).

§139. Side of Beef

- A. Hind Shank
- B. Fore Shank

NOTE: A and B to be stamped on kill floor prior to shrouding or placing in cooler.

- 1. Round
- 2. Loin
- 3. Plate
- 4. Rib
- 5. Chuck

AUTHORITY NOTE: Promulgated in accordance with R. S. 40:2300.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 6:712 (December 1980).

§141. Proper Stampling—Primal Cuts

- A. Side of Pork
 - 1. Outer surface of ham hock
 - 2. Skin side of each loin
 - 3. Skin side of each belly
 - 4. Outer surface of shoulder hock
 - 5. Skin surface of each jowl or head

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2300.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, LR 6:712 (December 1980).

